



The Commonwealth of Massachusetts

IN THE YEAR TWO THOUSAND AND NINE

AN ACT RELATIVE TO THE PROVISION OF SERVICES TO THE CITY OF CAMBRIDGE BY THE CAMBRIDGE ENERGY ALLIANCE

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. As used in this act, the following words shall have the following meanings:

“City”, the City of Cambridge.

“Corporation”, the Cambridge Energy Alliance, a not-for-profit corporation incorporated under chapter 180 of the General Laws and created and controlled by the Cambridge Public Health Commission.

“Commission”, the Cambridge Public Health Commission established pursuant to chapter 147 of the acts of 1996.

“Department”, the Department of Energy Resources.

“Energy conservation projects”, as defined in chapter 25A of the General Laws.

“Energy management services”, as defined in chapter 25A of the General Laws.

“Municipal Buildings”, buildings and structures owned or operated by the City or any department thereof, or by the Cambridge Public Health Commission.

“Municipal Energy Advisory Services”, one or more of the following services: (i) providing access to the forward-capacity energy market and similar programs to realize the benefits of the City’s conservation and clean energy efforts, (ii) providing advice and assistance in evaluating and documenting measures to reduce energy and water consumption in Municipal Buildings, including performing energy audits, monitoring energy and water consumption in Municipal Buildings, and optimizing operating procedures of Municipal Buildings and installations therein for the purpose of reducing, measuring or controlling energy or water consumption, (iii) providing advice and assistance to the City in its procurement and administration of energy management services, and (iv) providing advice and assistance in identifying, obtaining and administering grants or other funding sources or financing programs for clean energy and energy and water conservation in the City. The term Municipal Energy Advisory Services shall also include providing energy management services to the City, including design services, but shall not include the actual installation or construction of energy conservation projects in Municipal Buildings.

SECTION 2. Notwithstanding the provisions of chapter 25A, chapter 30B and any other general or special law relative to public procurement processes to the contrary, the City is hereby authorized to enter into an agreement, or a series of agreements, with the Corporation for the provision of Municipal Energy Advisory Services for a maximum contract term in accordance with section six of this Act. Payments under an agreement for the provision of such services may be based in whole or in part on any revenues gained due to energy or water conservation or demand reduction measures undertaken with respect to Municipal Buildings for which advisory

services were performed by the Corporation.

SECTION 3. The City will provide to the Department and the Office of the Inspector General, within ninety (90) calendar days of the close of each applicable fiscal year, a report detailing any agreements the City has entered into with the Corporation for the provision of Municipal Energy Advisory Services, which report shall include without limitation: a detailed schedule of services provided to the City and the compensation payable to the Corporation for such services; and a certification from the Chief Executive Officer or Treasurer of the Corporation that the entirety of the revenues and/or carbon credits or similar benefits received on account of Municipal Energy Advisory Services provided to the City in excess of the costs necessary to provide such Municipal Energy Advisory Services, including staff and administrative costs, has been paid or set aside by the Corporation for one or more of the following purposes: (i) undertaking conservation education for residents and/or businesses in the City, (ii) promoting energy and water conservation within the City, and/or (iii) subsidizing energy audits, energy conservation measures or energy conservation projects in low-income residences in the City or in Municipal Buildings.

SECTION 4. In the event that any agreement between the City and the Corporation for the provision of Municipal Energy Advisory Services provides for revenues to be paid to the City, including the proceeds of any forward-capacity energy market credits, the City may establish a revolving fund and may deposit such revenues into such revolving fund. Monies held in this revolving fund may be expended for the purpose of (a) paying for Municipal Energy Advisory Services, (b) paying the costs of Energy conservation projects or debt service payments for

Energy conservation projects financed with municipal obligations, or (c) reinvesting a portion of such revenues into conservation and clean energy programs in the City, including outreach services, technical assistance and direct incentives.

SECTION 5. If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of this Act and the applicability of such provision to other persons or circumstances shall not be affected thereby.

SECTION 6. The provisions of this Act shall expire ten years following the date of its passage unless reenacted by the Legislature. The expiration of this Act shall not affect the validity of any contract executed pursuant to this Act prior to such expiration, and all provisions of this Act shall continue to apply to said contracts for the remainder of the term of said contracts.

SECTION 7. The provisions of this Act shall be effective immediately upon passage.